



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/976,462 | 10/12/2001 | Akira Matsumoto | 939_030 | 9975 |
| 25191 | 7590 | 04/09/2004 | EXAMINER | |
| BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068 | | | LAVARIAS, ARNEL C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2872 | |

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/976,462

Applicant(s)

MATSUMOTO ET AL.

Examiner

Arnel C. Lavarias

Art Unit

2872

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
1. 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the _____ application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 10 and 11.Claim(s) objected to: 2 and 4.Claim(s) rejected: 1, 3 and 5-9.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: Note the attached PTO-892 form.

THONG NGUYEN
PRIMARY EXAMINER
GROUP 2800

Continuation of 5. does NOT place the application in condition for allowance because: Applicants' request for reconsideration is not found persuasive. After further review, the Examiner notes that, with respect to the Seino et al. (U.S. Patent No. 4948219) reference, the end face of the adhesive (16 in Figure 28) is recessed/flush with the end face of the optical fiber (1 in Figure 28) by a depth of zero microns. Col. 3, line 24-col. 4, line 8 and col. 12, line 13-col. 13, line 7 of Seino et al. details the fabrication steps involved in creating the fiber array 15 shown in Figure 28. In particular, Seino discloses the situation where, after the lateral cut is made to expose a fresh end face of the substrates (See col. 3, lines 64-col. 4, line 2), the end face is polished by etching in a wet etchant to etch back a portion of the silicon substrate a small distance (i.e. ten to several hundred microns). Seino et al. discloses that the use of pyrocatechols preferentially etchs silicon only, and not epoxy adhesive (See col. 12, line 65-col. 13, line 7), one skilled in the art will realize that the end face of the fiber and the end face of the adhesive would be flush in this case for the adhesive to be exposed to the wet etchant. In response to Applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which Applicants rely (i.e., Applicants' definition of 'recessed no more than 10 microns' not including a depth of zero microns) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants' have not provided substantial evidence to show that the phrase 'recessed no more than 10 microns' only includes the range of depth greater than zero and less than 10 microns, and not including a depth of zero microns. A review of the general prior art shows that a recess may be dimensionally defined as some depth that additionally includes a depth of zero microns (See for example U.S. Patent Nos. 6552467, 6528327, 6523861, 6489215, 5850663, 5888619, 5532173, 5302435, 5052207, 4970040, and 4434636).